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SUBJECT: SOUTH AFRICA ANNOUNCES PERMIT FOR ZIMBABWEANS

Summary

¶1. The SAG's April 3 announcement of a temporary permit for Zimbabweans to remain in South Africa is a potentially groundbreaking step in assistance to the continuing mass influx of Zimbabwean migrants. Compared to the asylum channel, the permit is much better suited to Zimbabweans' mainly economic motivations for migration and desire to travel home. All Zimbabweans will be eligible, and deportations will cease. Three weeks before elections, the announcement appears to be a snap decision by the outgoing Minister, catching her Department of Home Affairs off guard on implementation. There are currently more questions than answers regarding the rollout (septel), which will be in the hands of a new incoming administration. End Summary.

Permit Hailed by Rights Groups

¶2. The Department of Home Affairs (DHA)'s April 3 announcement of a temporary permit for Zimbabweans to remain in South Africa is potentially a very significant step forward in alleviating the pressure of a continuing mass influx of migrants. The move has long been advocated by a spectrum of international organizations and advocacy groups, including UNHCR, IOM, Human Rights Watch, and local NGO coalition the Consortium for Refugees and Migrants in South Africa (CORMSA); and it has been enthusiastically welcomed by the international and local rights community. Even the Congress of South African Trade Unions (COSATU) has joined the chorus of approving comments.

A Better Fit vs. Asylum

¶3. Compared to the asylum-seeking channel which was previously the sole option for most migrants, the permit is a much more suitable instrument to regularize Zimbabweans' stay. All Zimbabweans are eligible, without a need to document fear of persecution on which asylum is based. No Zimbabwean may be denied, compared with a 90 percent refusal rate on Zimbabwean asylum applications which reach the adjudication stage. This very basic criterion should speed processing, unclogging the overburdened DHA centers to the benefit of real refugees. The permit will also allow travel to and from Zimbabwe, which has long been a detention / deportation snag for holders of asylum permits. While not barring parallel asylum applications by those with genuine fears of persecution, the permit in effect acknowledges that

the vast majority of Zimbabweans in South Africa are merely seeking work and food to send back to their families at home.

End to Deportations

¶4. Just as important as the new permit is the concurrent stay of deportations of Zimbabweans. Police encountering undocumented Zimbabweans will be henceforth instructed to transport them to DHA centers to obtain permits. This is a major reversal of a cat-and-mouse practice which DHA itself has long decried as expensive and ineffective, and which moreover is a lead source of petty corruption among immigration officials and police. More than 39,000 Zimbabweans were deported in 2008, according to Home Affairs, and most quickly round-tripped to South Africa across porous borders, in what an IOM officer refers to as a cyclical "carousel." Some Zimbabweans have simply used deportation transport as a free taxi service to visit home. Qtransport as a free taxi service to visit home.

Six Months, but Renewable

¶5. This new permit regime is explicitly "temporary," but it is also renewable at the SAG's discretion. It has been initially announced for a six-month duration (dating from the first issuance, i.e. a future date not yet determined), but that period is expected to be extended. Renewals will be national and program-wide, not on a case-by-case basis of

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individual permit holders, hence not necessitating recurrent rounds of processing with each program extension. The intent is that the program be suspended only when the SAG determines that conditions inside Zimbabwe have sufficiently improved and normalized for large numbers of migrants to return.

A Snap Decision? DHA Scrambling

¶6. (SBU) The permit idea has been under discussion for some time, but the Minister's go-ahead seems to have been sudden, catching even Home Affairs officials off guard. Under the Mbeki administration, DHA lobbied for the permit to relieve operational backlogs, against resistance from a political leadership loathe to highlight Zimbabwe's exodus while conducting "quiet diplomacy" there. Last fall DHA privately told UNHCR the permit was imminent; but a few days later the idea was squelched during a meeting at the Presidency. When on April 3 poloff heard the news in a morning BBC bulletin and relayed it to our IO/NGO interlocutors, none had been forewarned. In an April 7 meeting with DHA Deputy Director General Jackie McKay, his aide's mention of memos drafted at the weekend hinted they were in catch-up mode still ironing out details. Asked about the duration of the permit policy, they slipped, "It's announced for six months...No, the Minister signed for 12 months... No, that's not meant to be public yet."

Sketchy Details on Roll-Out

¶7. DHA's McKay was able to supply some early details of the permit's implementation. The permit will be an identity card, credit-card sized, with security features. (A visa foil is a nonstarter, since most migrants lack passports or other documents in which to attach a visa.) Procurement of card stock and programming of system software is expected to delay rollout for at least two months, during which the SAG may issue an interim document on security paper. McKay is highly concerned about fraud (e.g. by non-Zimbabwean

migrants), however, and hence is wary of rushing the process.

¶8. Rollout is planned via mobile trailer units (as used now at the border in Musina) in all provinces, for a four-month surge to document all comers. Thereafter processing would revert to regular DHA centers, after the bulk of cases had been handled during the surge. Like asylum seekers' permits, the Zimbabwean permit will allow for stay, employment, education, and medical care, but not for broader social services like housing or welfare grants. The permit is issued per provision 31(2)b of the Immigration Act authorizing the Minister to define exceptional groups for temporary stay.

Political Inferences: Why Now?

¶9. COMMENT: The announcement's timing, three weeks before national elections, is a mystery that invites speculation into the SAG's motives. The rights community never expected such a move before elections, since support to migrants is not a way to win votes in townships. One theory is that the establishment of an interim Motlanthe administration in South Africa and a unity government in Zimbabwe removed previous political blockages, enabling DHA's outgoing Minister to launch the permit regime as a last-minute legacy to her successor. Another view suggests that media coverage of Qsuccessor. Another view suggests that media coverage of throngs of Zimbabwean migrants in downtown Johannesburg may have pressured the governing ANC to take some kind of action, to show itself more proactive on Zimbabwe than its Mbeki-ite challengers of the COPE party -- albeit with an emphasis on six-month "temporary" action so as not to incite xenophobic resentment. Whatever the motive, a new administration in May will inherit the policy, to own or disown, and to implement or terminate as best suits its own interests. End Comment.

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